

The first suggestion would be more beneficial to the community as, in the case of a rural constituency, the results would be influenced more by the votes of other communities.

When the matter was brought to the notice of the previous Dewan after the first general elections, he asked the Ezhavas to wait and try their chance a second time. He promised also to accept one of the suggestions or devise other means for protecting their interests if they were disappointed a second time. Now that they had failed again in all the constituencies in which their men stood for election, the member prayed for the early consideration of the matter.

DEWAN'S REPLY: Mr. Narayana Panikkar, you would advocate a radical change in the electoral system for the Travancore Legislative Council. After all, the present system has not been very long in force, and it is too soon, in my opinion, to draw any general conclusions from the recent elections. Tendencies have still to be developed and the electorate has to grow responsible. It is true that Ezhavas did not get in by election to the Legislative Council; but their candidates had considerable votes and that indicates that they are not going to be neglected by the electorate. I am sure you will agree with me that the community itself will see that it is not neglected. To my mind it is a very much more honourable and edifying thing to be elected by members of all communities than to be sent up by a narrow electorate of one community alone. However, as I said, it is much too soon to draw deductions from the last election and make pronouncements upon the elections and the electoral system, because we have not had time enough to study it. The time will come, I daresay, when we will have to go into the whole question, I myself am beginning to feel that the present electoral system is not entirely satisfactory. But, I am not going to plunge headlong into it, simply because it seems to me that today there is something wrong. Tomorrow it may seem all right. So, let us wait for some time. Meanwhile, you may rest assured that the Ezhavas will not remain unrepresented in the Legislative Council. They will continue to be represented in the Council, if not by election, at least by nomination.

MEMBER: We do not want nomination.

DEWAN: Certainly, you may remain unrepresented.

21. *Misradayis and the Ezhava Regulation.*

MR. K. R. PADMANABHAN VAIDYAN (*Member, Nominated*) spoke about the hardships caused to the *Misradayis* on account of the Ezhava Regulation. By *Misradayis* he meant all Ezhavas residing in the taluks south of Quilon and following the *Misradayi* law of succession, whether exempted from the Ezhava Regulation or not. When the Regulation was passed, the Government were led to understand that the *Misradayis* formed a small minority. But the number of families exempted from the operation of the Regulation would have convinced the Government that they were misled. The effect of the exemption granted was that the provisions of the Ezhava Regulation relating to partition of *tarwad* property would not apply to the exempted families. The exemption was not of lasting benefit to the Ezhavas as, at any moment, the exempted families could forsake the *Misradayi* law and become *Makkattayis* under Section 33 of the Regulation. Unless, therefore, the *Misradayis* were absolutely prevented from becoming *Makkattayis*, no transfers of property could take place and all the properties now declared to be impartible would in course of time become partible.

Till the passing of the Ezhava Regulation, the right to family property was vested in the female members. The male members had but the right to claim maintenance. But the Regulation conferred on the male members rights of ownership to such property. The female members of the several families were not made to understand that feature of the Regulation, and they were the real sufferers on account of the Regulation. It was barely two years since the Regulation was passed but the number of crimes committed as a result of family feuds in connection with partition of property was large.

Another evil effect of the exemptions made under the Ezhava Regulation was that, under Section 33, if the majority of a *tarwad* consented to the exemption, the whole family was exempted. The remaining members, who formed a minority and who refused to give consent to the exemption, would, in course of time, when they became the *karanavans*, like to become *Makkattayis* so that the *tarwad* would cease to be a *Misradayi tarwad*.

Again, even if a whole *tarwad* be exempted from the operation of Part VII of the Regulation, the individual members of the *tarwad* need not necessarily be *Misradayis*. If they wanted to be so, they had also to get individual exemption from the operation of Part IV of the Regulation. Those ignorant of the law failed to do so within the prescribed time, with the result that their self-acquired property would be inherited by the children alone, while, according to the *Misradayi* custom, one-half of such property would alone go to the children and the other half descend to the nephews and nieces.

In view of the above, the member prayed that legislation should be undertaken so that the individual members of all *tarwads* exempted from the operation of Part VII of the Regulation might be deemed to have been exempted from the operation of Part IV also.

Another source of hardship to the *Misradayis* was that they had no codified law regulating inheritance but only certain decisions of civil courts and long standing custom. It was, therefore, absolutely necessary to have a separate law for the *Misradayis*. The member knew it was not easy to get such a bill passed by the Legislative Council. Even those members of the Council who had promised to support an amending bill to the Ezhava Regulation had receded. The only alternative was the passing of a Regulation by the Sovereign direct. The member earnestly prayed for the adoption of such a course.

Lastly, the member said that there were many *Misradayi tarwads* that had not been exempted under Section 33 of the Ezhava Regulation. The members of those *tarwads* had been misled by the evil influence of the supporters of the Regulation and prevented from applying for exemption in time. The only way to safeguard their interests was to grant the reliefs sought for in the resolutions passed by the public meeting of the Ezhavas held under the presidency of Mr. K.G. Sesha Aiyar. Till then, the period for applying for exemption under the Ezhava Regulation should be extended.

DEWAN'S REPLY : Mr. Padmanabhan Vaidyan, the Ezhava Regulation was purely a matter of social legislation. In such cases, the Government must maintain a complete aloofness. They must not join forces with one side or the other. The only way in which they can endeavour to intervene and the only way in which they have intervened in connection with the Ezhava Regulation was, firstly, to co-opt members from the Ezhava community so as to ensure that all the opinions of Ezhavas were represented ; and secondly, they intervened to give an extension of time to the *Misradayi* Ezhavas to enable them to come in and secure exemptions from the Regulation if they wanted. This was done, because either on account of misapprehension or other cause, the general body of those who desired exemption did not take action during the preliminary period. However, they have had six months now to avail themselves of exemption ; and much as I sympathise with the *Misradayi* community, it is not possible to give any further extension. Equally, I am afraid it is impossible for me to advise direct legislation on behalf of the community. But if you come in with an Amendment Bill, I shall be very happy to give the community facilities for attempting to put their case through the Council.

22. Necessity for a Kammala Regulation.

MR. K. NILAKANTAN ASARI (*Member, Nominated*) said that the Kammala community greatly deplored the absence of a law regulating marriage, inheritance and succession among them. Such a measure was an imperative necessity to the community and he invited the kind attention of the Government to the matter.